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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,026	01/11/2002	Michael H. Cohen	3932P006XX	6537

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EXAMINER	
OPSASNICK, MICHAEL N	

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/046,026	COHEN ET AL.	
	Examiner	Art Unit	
	Michael N. Opsasnick	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-12,15-19,29,31-66* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1,3-12,15-19,29 and 61-66* is/are allowed.

6)☒ Claim(s) *31-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment to the claims, filed 6/7/2006, has been reviewed for negative limitations. Under the guidance of MPEP 2173.05(i), the amended claim language has been found to be definite under 35 US 112 2nd paragraph since the boundary of the negative limitation ('not uniquely identify the person, the communication device or any user account'; 'not based on the meaning of any speech or the failure to recognized any speech during the dialog') is definite.

Allowable Subject Matter

2. Claims 1,3-12,15-19,29,61-66 are allowed over the prior art of record.

3. The following is a statement of reasons for the indication of allowable subject matter:

As per the independent claims, the claim limitations pertaining to call routing based on dialog characteristics, wherein the call routing is independent of user information, user identity, device characteristics, mis/unrecognized speech, nor the meaning of the recognized speech, is not explicitly taught by the prior art of record.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 31-39,44,45,48-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ladd et al (6493671) in view of Garberg et al (5724481)

As per claims 31,60,61,66, Ladd et al (6493671) teaches providing user information into a speech enabled system (abstract, col. 15 lines 30-45)), with applications leading to a network (Fig. 3 & 4). Ladd et al (6493671) also teaches a method of facilitating interaction between a human user and a processing system, the method comprising (as voice recognition interactive computer system (col. 11 lines 10-36): "establishing.....during the call(col. 11 lines 30-33); "automatic detecting a characteristic.....during the dialog" as using the recognized speech to determine which URL, IP, or page request to go to (col. 11 lines 30-35)); Ladd et al (6493671) also teaches "selecting a destination to which the call should be routed" as routing the call based upon the result of the VRU (col. 8 lines 55-67).

Ladd et al (6493671), however, performs the call routing based upon the meaning of the recognized speech, however, Garberg et al (5724481) teaches call routing to an attendant when

there is a failure to produce a speech match – col. 3 lines 20-35; the templates that are stored in Garberg et al (5724481) are a compilation of examples of characterization of dialogs over time (and updated) – col. 7 line 50 – col. 8 line 16); examiner also notes that in Garberg, the speech characteristic is speech information that is distorted by pronunciation or poor channel quality – col. 3 lines 19-23. Based on this scenario, the user is then prompted to vocally spell the name – if there is no match of the spoken spelled utterance and a phoneme transcription, the call is routed to a human attendant (col. 3 lines 27—33). In other words, the call routing is based on a non-match based on phonetic transcription matching (there is no 'translation meaning mismatch, nor failure to recognize the spelling – the spelling is understood by the system, there is simply no match in the pre-defined database). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition to incorporate the spelling speech recognizer/call router technique of Garberg et al (5724481) into the recognizer of Ladd et al (6493671) because it would advantageously offer final resolution of a unrecognized speech element by forwarding the call to an attendant (Garberg et al (5724481) ,col. 6 lines 38-42)

As per claims 32-38,44,50, the combination of Ladd et al (6493671) in view of Garberg et al (5724481) teaches characteristics of a person based on type device used, gender, type of language, accents, and personalities (col. 4 lines 19-35).

As per claims 39,45,65, Ladd et al (6493671) the combination of Ladd et al (6493671) in view of Garberg et al (5724481) teaches the characteristic being an acoustic characteristic (as audio/acoustic commands – col. 4 lines 38-40).

As per claim 48, Ladd et al (6493671) teaches checking the amount of reverberance through an echo detector (col. 98 lines 29-34).

As per claims 18,49, Ladd et al (6493671) teaches notification to the user of an error (col. 15 line 61 – col. 16 line 9).

As per claims 51-53, Ladd et al (6493671) teaches customization of the dialog wherein a call is routed based upon the characteristic, an error recovery dialog, and content delivery based upon the characteristic (as accessing user defined content/grammars based on user acoustic input, and selecting the proper call routing, esp. during an error -- col. 15 line 30 – col. 16 line 9).

As per claim 54, Ladd et al (6493671) teaches service advertisements available to the user (col. 4 line 62 – col. 5 line 5).

As per claim 55, Ladd et al (6493671) teaches customized call flow (Fig. 5a)

As per claims 56,57, Ladd et al (6493671) teaches personalized prompts for a recognized user (col. 6 lines 36-50).

As per claim 58, Ladd et al (6493671) teaches customization of grammars (col. 15 lines 35-46).

As per claim 59, Ladd et al (6493671) teaches a personal customization (col. 4 lines 5-18).

6. Claims 40-43,46,47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ladd et al (6493671) in view of Garberg et al (5724481) in further view of Hirayama (5854999).

As per claims 40-43,46,47, the combination of Ladd et al (6493671) in view of Garberg et al (5724481) is silent on handling environmental/background noise issues that may affect the VRU system, however, Hirayama (5854999) teaches a speech recognition method to compensate for environmental fluctuations (Hirayama (5854999), col. 8 lines 20-47). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition systems at the time the invention was made to incorporate the speech processing system of Hirayama (5854999) into the VRU of the combination of Ladd et al (6493671) in view of Garberg et al (5724481) because it would advantageously compensate for environmental fluctuations, which would reduce the turnaround time for a correct recognition (Hirayama (5854999), col. 5 lines 20-25).

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Examiner notes further reference to Garber also

teaching the creation/use of templates representing a group of characterizations based over a period of time/multiple uses.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
12/1/06

Michael N. Opsasnick
Examiner
Art Unit 2626